UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
GENERAL

SPLOS/20
20 March 1997

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Sixth Meeting
New York, 10-14 March 1997

REPORT OF THE SIXTH MEETING OF STATES PARTIES

Prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	3
II.	ORGANIZATION OF WORK	4 - 11	4
	A. Opening of the sixth Meeting by the Representative of the Secretary-General	4	4
	B. Election of the President	5	4
	C. Introductory statement by the President	6	4
	D. Adoption of the agenda for the sixth Meeting	7	4
	E. Election of the Vice-Presidents	8	5
	F. Appointment of the Credentials Committee	9	5
	G. Organization of work	10 - 11	5
III.	ESTABLISHMENT OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF	12 - 21	5
	A. Understandings for the purpose of conducting the first election of the members of the Commission	12 - 13	5
	B. Election of the 21 members of the Commission	14 - 21	7

97-07637 (E) 030497

/...

CONTENTS (continued)

		Paragraphs	Page
IV.	CONSIDERATION OF THE DRAFT AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA	22 - 26	8
V.	OTHER MATTERS	27 - 36	9
	A. Reports of the Credentials Committee	27 - 29	9
	B. Other proposals and statements	30 - 34	9
	C. Dates and programme of work for the seventh Meeting	35 - 36	10

I. INTRODUCTION

1. The sixth Meeting[1] of States Parties to the United Nations Convention on the Law of the Sea was convened from 10 to 14 March 1997 in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken at the fifth Meeting.[2] Pursuant to that decision, and in accordance with rule 5 of the rules of procedure adopted by the Meeting of States Parties,[3] invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States Parties to the Convention, and also to the observers referred to in rule 18 of the rules of procedure.

2. The Meeting was held primarily to prepare for and conduct the first election of the 21 members of the Commission on the Limits of the Continental Shelf in accordance with the Convention and its annex II. It was also to review the draft Agreement on Privileges and Immunities of the Tribunal with a view to its adoption.

3. The Meeting had before it the following documents:

- Report of the fifth Meeting of States Parties, 24 July to 2 August 1996 (SPLOS/14);
- Schedule for the nomination and election of the members of the Commission on the Limits of the Continental Shelf: note by the Secretariat (SPLOS/L.2);
- Election of the members of the Commission on the Limits of the Continental Shelf: note by the Secretary-General (SPLOS/15);
- List of candidates submitted by States Parties for election to the Commission on the Limits of the Continental Shelf: note by the Secretary-General (SPLOS/16);
- Curricula vitae of candidates nominated by States Parties for election to the Commission on the Limits of the Continental Shelf: note by the Secretary-General (SPLOS/17);
- Curricula vitae of candidates nominated by States Parties for election to the Commission on the Limits of the Continental Shelf: Additional list circulated in accordance with the decision of the Meeting of States Parties adopted on 11 March 1997 (SPLOS/17/Add.1);
- Provisional agenda (SPLOS/L.4/Rev.1);
- Draft Agreement on Privileges and Immunities of the International Tribunal for the Law of the Sea (SPLOS/WP.2 and Add.1);
- Final draft Protocol on the Privileges and Immunities of the International Tribunal for the Law of the Sea (LOS/PCN/WP.16/Add.3);

- Germany: Proposals relating to the draft Agreement on Privileges and Immunities of the International Tribunal for the Law of the Sea (SPLOS/CRP.8);

- Germany: Proposals relating to the draft Agreement on Privileges and Immunities of the International Tribunal for the Law of the Sea (SPLOS/CRP.10);

- Recommendations and conclusions of the International Tribunal for the Law of the Sea on the draft Agreement on Privileges and Immunities of the International Tribunal for the Law of the Sea (SPLOS/CRP.11).

II. ORGANIZATION OF WORK

A. Opening of the sixth Meeting by the Representative of the Secretary-General

4. The Meeting was opened by the Representative of the Secretary-General, Mr. Hans Corell, the Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations.

B. Election of the President

5. The Meeting elected Mr. Orlando R. Rebagliati (Argentina) as President by acclamation and, under an informal arrangement reached, Mr. Helmut Türk (Austria) will serve as President of the seventh Meeting of States Parties. It was also understood that neither the Latin American and Caribbean States nor the Western European and Other States would seek the presidency in 1998.

C. Introductory statement by the President

6. In his opening statement, the President said that the Meeting faced a heavy programme of work, mainly in terms of the election of the members of the Commission on the Limits of the Continental Shelf. He pointed out that certain issues, such as the allocation of seats among the regional groups, nominations received after the established deadline and a candidature submitted by a State not yet party to the Convention, must be dealt with as a priority.

D. Adoption of the agenda for the sixth Meeting

7. The Meeting adopted the provisional agenda for the sixth Meeting (SPLOS/L.4/Rev.1).

E. Election of the Vice-Presidents

8. The Meeting elected the representatives of Australia, the Czech Republic, Indonesia and Togo as the Vice-Presidents of the sixth Meeting of States Parties.

F. Appointment of the Credentials Committee

9. On 10 March 1997, the Meeting of States Parties appointed a Credentials Committee consisting of the following members: Cameroon, Croatia, Germany, Malta, Micronesia (Federated States of), Philippines, Senegal, Trinidad and Tobago and Uruguay.

G. Organization of work

10. The President outlined the programme of work for the Meeting and identified the following as the priority issues:

(a) Consultations within and among regional groups, as well as the Bureau, on issues related to the election of the Commission on the Limits of the Continental Shelf;

(b) Election of the 21 members of the Commission;

(c) Consideration of the draft Agreement on Privileges and Immunities of the International Tribunal for the Law of the Sea in the Working Group established for that purpose at the fifth Meeting;

(d) Draft rules of procedure of the Commission on the Limits of the Continental Shelf.

11. The President stressed that the election of the Members of the Commission on the Limits of the Continental Shelf was the highest priority for the Meeting. He indicated that the Meeting could deal with other issues, such as proposals concerning the rules of procedure of the Meeting, only if the priority issues had been dealt with.

III. ESTABLISHMENT OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

A. Understandings for the purpose of conducting the first election of the members of the Commission

12. The President drew attention to the provisions of the Convention concerning the representation of geographical regions on the Commission. He noted that in accordance with article 2, paragraph 3, of annex II to the Convention, not less than three members shall be elected from each geographical region.

13. The Meeting agreed to the President's suggestion that informal consultations be convened within and among the regional groups to deal with issues related to the election. The President held several consultations with the Chairmen of the regional groups and the members of the Bureau. On the basis of the informal consultations, the following understanding was proposed by the President and agreed to by the Meeting on 13 March 1997:

"Note by the President

"The sixth Meeting of States Parties to the United Nations Convention on the Law of the Sea has reached the following understandings for the purpose of conducting the first election of the members of the Commission on the Limits of the Continental Shelf:

"1. These understandings are on a purely ad hoc basis and relate only to the first election of the members of the Commission. They shall not be interpreted as derogating from the relevant provisions of the United Nations Convention on the Law of the Sea. They shall not affect nor prejudice arrangements for future elections and do not constitute a precedent.

"2. In accordance with the provisions of article 2, paragraph 3, of annex II to the United Nations Convention on the Law of the Sea, not less than three members of the Commission shall be elected from each geographical region, including the Eastern European States region.

"3. For the purpose of the first election only, the Group of Eastern European States has decided not to fill the third seat to which it is entitled in accordance with the provisions referred to above.* In these circumstances, the Meeting decided that for the first election, the Commission shall be elected as follows:

- Five members from the African States Group;
- Five members from the Asian States Group;
- Two members from the Eastern European States Group;
- Four members from the Latin American and Caribbean States Group;
- Five members from the Western European and Other States Group.

"4. The Meeting also decided that the candidates nominated by States Parties, whose names were submitted after the deadline established by the fifth Meeting of States Parties (i.e. 5 February 1997), will be eligible for election to the Commission.

---

* ", and to permit that seat to be filled by a member from the Western European and Other States Group."

"5. The Meeting further decided that the name of the candidate nominated by the Russian Federation, which deposited its instrument of ratification on 12 March 1997, will be included in the list of candidates for election to the Commission. However, the Meeting also agreed that if the candidate is elected, he will be considered officially elected only after the 30-day period from the date of deposit of the instrument has elapsed."

B. Election of the 21 members of the Commission

14. The Meeting then proceeded to the conduct of the election in accordance with the understandings and article 2, paragraph 3, of annex II to the Convention. The President informed the Meeting that Kuwait had withdrawn its candidate. Austria, Honduras, Kuwait, Romania and Tunisia were appointed tellers for the election.

15. Three rounds of balloting were conducted.

16. In the first round, 107 valid ballots were cast. There were three invalid ballots and no abstentions. The required majority was 72 votes and the following 17 candidates were elected: ALBUQUERQUE, Alexandre Tagore Medeiros De (Brazil) (81); AWOSIKA, Lawrence Folajimi (Nigeria) (102); BELTAGY, Aly I. (Egypt) (102); BETAH, Samuel Sona (Cameroon) (97); CARRERA HURTADO, Galo (Mexico) (83); CHAN CHIM YUK, André C. W. (Mauritius) (107); FRANCIS, Noel Newton St. Claver (Jamaica) (81); HAMURO, Kazuchika (Japan) (90); HINZ, Karl H. F. (Germany) (73); JAAFAR, A. Bakar (Malaysia) (76); JURAČIĆ, Mladen (Croatia) (89); KAZMIN, Yuri Borisovitch (Russian Federation) (89); LAMONT, Iain C. (New Zealand) (77); LU, Wenzheng (China) (73); M'DALA, Chisengu Leo (Zambia) (100); PARK, Yong-Ahn (Republic of Korea) (76); SRINIVASAN, K. R. (India) (77).

17. In the second round of balloting, 108 valid ballots were cast, with no invalid ballots and no abstentions. The required majority was 72 votes and the following three candidates were elected: ASTIZ, Osvaldo Pedro (Argentina) (72); BREKKE, Harald (Norway) (86); CROKER, Peter F. (Ireland) (77).

18. In the third round of balloting, 97 valid ballots were cast with no invalid ballots and one abstention. The required majority was 64 votes and one candidate was elected: RIO, Daniel (France) (68).

19. The President then announced that the following candidates had been elected members of the Commission on the Limits of the Continental Shelf: Mr. ALBUQUERQUE, Alexandre Tagore Medeiros De (Brazil); Mr. ASTIZ, Osvaldo Pedro (Argentina); Mr. AWOSIKA, Lawrence Folajimi (Nigeria); Mr. BELTAGY, Aly I. (Egypt); Mr. BETAH, Samuel Sona (Cameroon); Mr. BREKKE, Harald (Norway); Mr. CARRERA HURTADO, Galo (Mexico); Mr. CHAN CHIM YUK, André C. W. (Mauritius); Mr. CROKER, Peter F. (Ireland); Mr. FRANCIS, Noel Newton St. Claver (Jamaica); Mr. HAMURO, Kazuchika (Japan); Mr. HINZ, Karl H. F. (Germany); Mr. JAAFAR, A. Bakar (Malaysia); Mr. JURČIĆ, Mladen (Croatia); Mr. KAZMIN, Yuri Borisovitch (Russian Federation); Mr. LAMONT, Iain C. (New Zealand); Mr. LU, Wenzheng (China); Mr. M'DALA, Chisengu Leo (Zambia);

Mr. PARK, Yong-Ahn (Republic of Korea); Mr. RIO, Daniel (France); Mr. SRINIVASAN, K. R. (India).

20. The representative of Mexico made a statement on behalf of the Latin American and Caribbean States with respect to that region's position regarding the distribution of seats and modalities of election of members of the Commission on the Limits of the Continental Shelf. She indicated that those States had maintained a position of strict respect of the United Nations Convention on the Law of the Sea and that the Convention, as a document establishing legal order for the seas and oceans, should be applied without exceptions. At the same time, the group attached a great importance to the prompt establishment and full functioning of the Commission.

21. In order to achieve this objective, the group had participated in the negotiations in a constructive and flexible manner, recognizing that specific circumstances had to be taken into account on this occasion. However, the agreement achieved was exceptional and did not constitute a precedent. Distribution of seats and acceptance of all the candidatures submitted applied only to this election. The agreement did not imply that the same could be repeated in the future and was without prejudice to the right of any regional group to seek a different number of seats in future elections, based on the Convention's fundamental principle of equitable geographical representation of States Parties and on the right for each region to have not less than three seats. Finally, the group stressed that at the end of the fourth year after the establishment of the Commission, the States Parties should start negotiating the distribution of seats for the next elections.

IV. CONSIDERATION OF THE DRAFT AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

22. In accordance with the decision of the fifth Meeting of States Parties, the sixth Meeting continued the consideration of the draft Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea in the open-ended Working Group under the chairmanship of one of the Vice-Presidents of the Meeting, Mr. Martin Šmejkal (Czech Republic).

23. The Working Group held five meetings, as well as informal consultations among interested delegations under the coordination of its Chairman. The Working Group had before it a number of documents on privileges and immunities of the Tribunal, as listed in paragraph 3 above. During its deliberations, the Working Group also took into consideration written and oral suggestions and proposals made by delegations.

24. The Working Group adopted ad referendum the majority of the draft articles of the Agreement, as contained in document SPLOS/WP.2/Rev.1.

25. In a statement to the Meeting, the Chairman of the Working Group urged interested delegations to consult during the inter-sessional period with a view to formulating consensus provisions on pending articles. The Chairman also said that the Working Group, at the seventh Meeting, would consider substantively

only those provisions which appeared in square brackets, namely, article 4, paragraph 4; article 12, paragraph 6; article 13, paragraph 3; article 16 bis; article 18; and article 29. The Working Group, prior to submitting the draft Agreement for adoption by the Meeting of States Parties, would review the draft Agreement as a whole for the purposes of ensuring consistency between articles and, if necessary, for stylistic changes.

26. The Meeting took note of the statement and decided to make time available during the seventh Meeting to enable the Working Group to meet with a view to finalizing the draft Agreement.

V. OTHER MATTERS

A. Reports of the Credentials Committee

27. The Credentials Committee held its first meeting on 11 March and elected Ms. Joanna Darmanin (Malta) as its Chairman. At that meeting, it examined the credentials of representatives to the sixth Meeting of States Parties. Additional credentials were examined by the Committee at its second, third and fourth meetings, held on 13 March 1997. The reports of the Committee on its work are contained in documents SPLOS/18 and SPLOS/19.

28. In all, the Committee, during its four meetings, examined and accepted credentials submitted by representatives of 110 States Parties to the Convention.

29. The Meeting of States Parties, on 13 March 1997, approved the reports of the Committee.

B. Other proposals and statements

30. The Meeting, acting on the recommendation of a number of delegates, expressed its gratitude to the Governments of the Federal Republic of Germany and of Jamaica for the facilities and other forms of assistance they had provided to the International Tribunal for the Law of the Sea and for the International Seabed Authority respectively.

31. The Meeting also took note of a statement made by the Honourable Thomas Mensah, President of the International Tribunal for the Law of the Sea, in which he reported on progress made in negotiations with the Federal Republic of Germany concerning a headquarters agreement, the elaboration of the rules of the Tribunal, the selection of the various chambers that would deal with submissions to the Tribunal, and the preparation of the draft budget of the Tribunal for the future consideration by the Meeting.

32. The Meeting then decided that the draft budget of the Tribunal should be submitted to the United Nations Secretariat as soon as possible to enable the Secretariat to process the document and to circulate it to States Parties well in advance of the seventh Meeting in May.

33. The representative of New Zealand proposed a new agenda item for consideration at the next Meeting, namely the role of the Meeting of States Parties in reviewing ocean and law of the sea issues.

34. The observers from the World Wildlife Fund for Nature and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC/UNESCO) made statements to the Meeting.

C. Dates and programme of work for the seventh Meeting

35. The seventh Meeting of States Parties will be held in New York from 19 to 23 May 1997.[4]

36. Based on the proposals made by the President of the sixth Meeting of States Parties, the seventh Meeting will have on its agenda, inter alia, the following items:

(a) Draft budget of the International Tribunal for the Law of the Sea, as submitted by the Tribunal;

(b) Draft Agreement on Privileges and Immunities of the International Tribunal for the Law of the Sea;

(c) Rules of procedure of the Meeting of States Parties, in particular, the rules dealing with the participation of observers (rule 18) and with decision-making on questions of substance (rule 53);

(d) Draft rules of procedure of the Commission on the Limits of the Continental Shelf;

(e) Role of the Meeting of States Parties in reviewing ocean and law of the sea issues.

Notes

[1] The previous five Meetings of States Parties were held on 21 and 22 November 1994, from 15 to 19 May 1995, from 27 November to 1 December 1995, from 4 to 8 March 1996 and from 24 July to 2 August 1996.

[2] SPLOS/14, paras. 50 and 51.

[3] SPLOS/2/Rev.3.

[4] SPLOS/14, para. 52.